

Assembly Bill No. 2089

Passed the Assembly August 23, 2010

Chief Clerk of the Assembly

Passed the Senate August 19, 2010

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 33370 of, to amend and renumber Section 62000.14 of, to add Section 33385 to, and to repeal Article 6 (commencing with Section 33380) of Chapter 3 of Part 20 of Division 2 of Title 2 of, the Education Code, relating to American Indian education programs.

LEGISLATIVE COUNSEL'S DIGEST

AB 2089, Coto. American Indian Education Oversight Committee.

(1) Existing law provides for the establishment of California American Indian education centers to serve as community-based educational resource centers for American Indian pupils, parents, guardians, and the public schools in order to promote the academic and cultural achievement of the pupils. Existing law provides that the California American Indian Education Center Program will become inoperative on January 1, 2012.

This bill instead would provide that those provisions regarding the California American Indian education centers will become inoperative and be repealed on January 1, 2017, thereby extending the operation of those provisions by 5 years.

(2) Existing law requires the Superintendent of Public Instruction, with input from existing California American Indian education center directors, to appoint an American Indian Education Oversight Committee by January 30, 2007, composed of at least 7 educators, 4 of whom are required to be California American Indian education center directors. Existing law requires the committee to provide input and advice to the Superintendent on all aspects of American Indian education programs established by the state.

This bill would allow the Superintendent, if he or she is unable to find a qualified individual to fill a vacancy in one of the 4 positions for center directors within 30 days of the vacancy arising, to fill the vacancy with an educator who is not a center director.

(3) Existing law requires the State Department of Education, on or before January 1, 2011, to conduct an evaluation of the centers to determine whether to renew the application of each

existing center or instead to approve an application to establish a new center. Existing law also requires the department, on or before January 1, 2011, to report consolidated results for all centers and supply information that is required for a comprehensive evaluation of those results, and make recommendations for program improvement.

This bill, in addition, would require the department to perform those duties a 2nd time on or before January 1, 2016.

The people of the State of California do enact as follows:

SECTION 1. Section 33370 of the Education Code is amended to read:

33370. (a) There is hereby created within the department an American Indian Education Unit, which shall provide technical support to, and proper administrative oversight of, American Indian education programs established by the state in order to ensure that American Indian pupils in California public schools are able to meet the challenging academic standards of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and that those programs reflect the cultural and educational standards stated in Executive Order No. 13336, 69 Federal Register 25295 (May 5, 2004), relating to American Indian and Alaska Native Education.

(b) The Superintendent shall appoint an American Indian Education Unit Manager who shall oversee the American Indian Education Unit.

(c) The duties of the American Indian Education Unit shall include the development of clear, consistent, and effective operating policies and procedures that include measures to ensure that the learning needs of American Indian pupils are being adequately addressed.

(d) The department shall ensure that staff are properly trained in the application of the policies adopted pursuant to subdivision (c) and that the policies are consistent with the legislative intent relating to the California American Indian Education Program and with Section 11019.6 of, subdivisions (d) and (f) of Section 11340 of, and Section 11342.2 of, the Government Code.

(e) The department shall prescribe the following:

(1) The data that California American Indian education centers shall report on an annual basis in order to measure program performance.

(2) On or before January 1, 2011, and again on or before January 1, 2016, the department shall conduct an evaluation of the centers to determine whether to renew the application of each existing center or instead to approve an application to establish a new center.

(3) A description of the consequences for failing to submit the data.

(f) The department shall adopt policies that include:

(1) An equitable process that will be used to select centers that will receive grant awards and determine their respective funding amounts.

(2) Establish a prompt timeframe for disbursing approved payments to the centers.

(3) A monitoring process and plan to ensure that fiscal and program information reported by the centers is accurate and complete, including a process for corrective action and investigation by the department for noncompliance. The process shall be based upon consistent and equitable principles.

(4) The incorporation of culturally responsive methodologies in order to ensure that an optimal educational program for American Indian pupils is supported and maintained.

(5) Ensuring respect for the federal trust and sovereign nation status of California American Indian tribes.

(g) The Superintendent, with input from existing California American Indian education center directors, shall appoint an American Indian Education Oversight Committee by January 30, 2007, composed of at least seven educators, four of whom shall be California American Indian education center directors. If the Superintendent is unable to find a qualified individual to fill a vacancy in one of the four positions for center directors within 30 days of the vacancy arising, he or she may fill the vacancy with an educator who is not a center director. All members shall possess proven knowledge of current educational policies relating to, and issues faced by, American Indian communities in California. This committee shall provide input and advice to the Superintendent on all aspects of American Indian education programs established by the state.

SEC. 2. Section 33385 is added to the Education Code, to read:

33385. This article shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

SEC. 3. Section 62000.14 of the Education Code is amended and renumbered to read:

33384. (a) (1) Each center shall annually submit a report to the department that includes appropriate data, presented in a format developed jointly with the department, that reflects each center's ability to meet its stated objectives, measure pupil academic performance, and meets the continued educational and cultural needs of the community that the center serves.

(2) On or before January 1, 2011, and again on or before January 1, 2016, the department shall report consolidated results for all centers and supply information that is required for a comprehensive evaluation of those results, and make recommendations for program improvement.

(b) The centers shall maintain sound fiscal policies. The department shall provide technical assistance and training to the centers in order to assist the centers to maintain sound fiscal policies. The department may require an annual program audit, however, if the department deems it fiscally unsound for the centers to provide an annual audit, a fiscal review shall suffice.

(c) The department shall provide technical assistance and professional development to the directors of the California American Indian education centers throughout the year that shall include timely documented responses and professional guidance meant to improve center programs.

Approved _____, 2010

Governor